

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 16

Filed by: Trial Section Merits Panel
Box Interference
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Filed: May 2, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

IZUMU SAITO, YUMI KANEGAE
and MICHIO NAKAI

Junior Party,
Patent 5,700,470

v.

JEAN-LUC IMLER, MAJID MEHTALI
and ANDREA PAVIRANI

Senior Party
Application 09/218,143

MAILED

MAY 2 - 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Patent Interference No. 104,820 (CAS)

Before: SCHAFER, TORCZON and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662(a)

"Pursuant to 37 C.F.R. § 1.662(a), the party Saito hereby abandons the contest
as to Count 1 and claims 1-6 corresponding thereto" (Paper 15). Therefore, it is


ORDERED that judgment on priority as to Count 1 (Paper 1, p. 5), the sole count in the interference, is awarded against junior party IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI;

FURTHER ORDERED that junior party IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI is not entitled to a patent containing claims 1-6 (corresponding to Count 1) of Saito U.S. Patent 5,700,470, issued December 23, 1997, based on application 08/615,048, filed March 12, 1996;

FURTHER ORDERED that a copy of this paper shall be made of record in files of U.S. Patent 5,700,470 and U.S. application 09/218,143;

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661; and

FURTHER ORDERED that the telephone conference call scheduled for May 9, 2002 is cancelled.


RICHARD E. SCHAFFER
Administrative Patent Judge


RICHARD TORCZON
Administrative Patent Judge

Carol A. Spiegel
CAROL A. SPIEGEL
Administrative Patent Judge

BOARD OF PATENT APPEALS AND INTERFERENCES

cc (via Fax and Federal Express):

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INTERFERENCE DIGEST

Interference No. 105,136

Paper No. 42

Name: Jean-Luc Imler et al.

Serial No.: 09/218,143

Patent No.

Title: Defective Adenoviruses and Corresponding Complementation Lines

Filed: 12/12/98

Interference with Wang et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, 5/18/04

Court, _____ Dated, _____

REMARKS

Claims Rejected

This should be placed in each application or patent involved in interference in addition to the interference letters.